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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 PABLO PIÑA,

12 Plaintiff,

13 v.

14 YSUSI, *et al.*,

15 Defendants.  
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No. 1:20-cv-01735-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF CERTAIN CLAIMS AND  
DEFENDANTS

(Doc. No. 12)

17 Plaintiff Pablo Piña is a state prisoner proceeding *pro se* in this civil rights action pursuant  
18 to 42 U.S.C. § 1983.

19 On May 11, 2021, the assigned magistrate judge screened plaintiff's first amended  
20 complaint and issued findings and recommendations that this action proceed on two of plaintiff's  
21 claims: a claim for excessive force against defendant Ysusi for shooting plaintiff with a  
22 "launcher" after a fight in the prison yard had stopped; and a claim for retaliation against  
23 defendant J. Gonzales. (Doc. No. 12.) The magistrate judge further recommended that all other  
24 claims and defendants be dismissed from this action for failure to state a cognizable claim for  
25 relief. (*Id.*) The findings and recommendations were served on plaintiff and contained notice that  
26 any objections were to be filed within fourteen (14) days after service. (*Id.* at 9.) No objections  
27 have been filed, and the deadline to do so has expired.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
2 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings  
3 and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on May 11, 2021, (Doc. No. 12), are  
6 adopted in full;
- 7 2. This action shall proceed on plaintiff's first amended complaint, filed April 26, 2021,  
8 (Doc. No. 10), against defendant Ysusi for excessive force in violation of the Eighth  
9 Amendment and against defendant J. Gonzales for retaliation in violation of the First  
10 Amendment;
- 11 3. All other claims and defendants are dismissed from this action for failure to state a  
12 cognizable claim for relief; and
- 13 4. This action is referred back to the magistrate judge for proceedings consistent with this  
14 order.

15 IT IS SO ORDERED.

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17 Dated: July 13, 2021

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20 UNITED STATES DISTRICT JUDGE  
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